

ORIGINAL

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UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 4 2002  
at 3 o'clock and 3 min P.M.  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	MAG. NO. 02-0123 LEK
	)	
Plaintiff,	)	MOTION TO DETAIN DEFENDANT
	)	WITHOUT BAIL
vs.	)	
	)	
MARK SPENCER,	)	
	)	
	)	
Defendant.	)	
_____	)	

MOTION TO DETAIN DEFENDANT WITHOUT BAIL

The United States hereby moves to detain defendant  
without bail, pursuant to 18 U.S.C. Section 3142.

1. Eligibility of Case. This defendant is eligible  
for detention because the case involves (check all that apply):

- ☐ a. Offense committed on release pending  
felony trial (3142(d)(1)(A)(i))\*
- ☐ b. Offense committed on release pending  
imposition, execution, or appeal of  
sentence, conviction or completion of  
sentence (3142(d)(1)(A)(ii))\*
- ☐ c. Offense committed while on probation or  
parole (3142(d)(1)(A)(iii))\*

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- ☐ d. A citizen of a foreign country or unlawfully admitted person (3142(d)(1)(B)) \*
- ☐ e. Crime of violence (3142(f)(1)(A))
- ☐ f. Maximum sentence life imprisonment or death (3142(f)(1)(B))
- ☐ g. 10+ year drug offense (3142(f)(1)(C))
- ☐ h. Felony, with two prior convictions in above categories (3142(f)(1)(D))
- ☒ i. Serious risk defendant will flee (3142(f)(2)(A))
- ☐ j. Danger to other person or community \*\*
- ☐ k. Serious risk obstruction of justice (3142(f)(2)(B))
- ☐ l. Serious risk threat, injury, intimidation of prospective witness or juror (3142(f)(2)(B))

\* requires "i" or "j" additionally

\*\* requires "a", "b", "c", or "d" additionally

2. Reason for Detention. The court should detain defendant (check all that apply):

- ☒ a. Because there is no condition or combination of conditions of release which will reasonably assure defendant's appearance as required (3142(e))
- ☐ b. Because there is no condition or combination of conditions of release which will reasonably assure the safety of any other person and the community (3142(e))
- ☐ c. Pending notification of appropriate court or official (not more than 10 working days (3142(d))

3. Rebuttable Presumption. The United States (will/will not) invoke the rebuttable presumption against defendant under Section 3142(e). If invoked, the presumption applies because (check all that apply):

- ☐ a. Probable cause to believe defendant committed 10+ year drug offense
- ☐ b. Probable cause to believe defendant committed an offense under 18 U.S.C. § 924(c)
- ☐ c. Previous conviction for eligible offense committed while on pretrial bond

4. Time for Detention Hearing. The United States requests that the court conduct the detention hearing:

- ☐ a. At first appearance
- ☒ b. After continuance of 3 days (not more than 3)

DATED: March 4, 2002, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
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By

  
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